

**IN THE SUPREME COURT OF FLORIDA**

DIEGO TAMBRIZ-RAMIREZ,

Petitioner,

CASE No.: SC17-713

vs.

STATE OF FLORIDA,

L.T. Case No.: 4D15-2957

Respondent.

\_\_\_\_\_/

**PETITIONER'S INITIAL BRIEF APPENDIX**

Respectfully submitted,

/s/ Rocco J. Carbone, III

ROCCO J. CARBONE, III

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Florida Bar No.: 0095544

*Attorney for Petitioner*

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## INDEX

Information<sup>1</sup> ..... Pet.'s App.

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<sup>1</sup> Petitioner's counsel sought the final charging information filed by the State against Petitioner before trial to include in this appendix. However, after consultation with Petitioner's prior appellate counsel's office, and the clerk's office, undersigned counsel could only locate the second to last information filed against Petitioner prior to trial. This information is included in this appendix. This information was filed on July 12, 2010. A subsequent information was filed by the State on December 21, 2010, but a copy of that document was not available. However, it appears the substantive offenses between the two informations remained the same due to the Petitioner's judgment and sentence.

**DIRECT FILE – ISSUE CAPIAS CT. 3**  
**IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT OF THE**  
**STATE OF FLORIDA, FOR MARTIN COUNTY**

STATE OF FLORIDA

-VS-

(A) Diego Tambriz-Ramirez  
DOB: 10/20/1987  
RACE/SEX: White / Male  
Alias

Defendant(s)

Case No. 43-2010-CF-000831-A

FILED FOR RECORD  
MARTIN CO., FL  
2010 JUL 12 PM 3:15  
MAITSHA EWING  
CLERK OF CIRCUIT COURT  
D.C.

**INFORMATION**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in Martin County, under oath, information makes that in Martin County on or about:

**A. Ct. 1 BURGLARY OF A DWELLING WITH AN ASSAULT OR BATTERY WHILE ARMED AND MASKED (F-1)**

June 23, 2010 Diego Tambriz-Ramirez did unlawfully enter or remain in a dwelling, the property of R.R., as owner or custodian, with the intent to commit an offense therein, and in the course of committing the burglary did make an assault or battery upon R.R., or was armed, or did become armed within the property with explosives or a dangerous weapon and the defendant was wearing a hood, mask, or other device that concealed his or her identity, in violation of Florida Statute 810.02(2)(a)&(b) & 775.0845;

**A. Ct. 2 AGGRAVATED ASSAULT - DEADLY WEAPON WHILE MASKED (F-2)**

June 23, 2010 Diego Tambriz-Ramirez did intentionally and unlawfully threaten by word or act to do violence to the person of R.R., having the apparent ability to do so, and did an act which created a well-founded fear in R.R. that such violence was about to take place, and in the process thereof used a deadly weapon, to-wit: a knife, and during the commission of the offense the defendant was wearing a hood, mask, or other device that concealed his or her identity, in violation of Florida Statute 784.021(1)(a) & 775.0845;

**A. Ct. 3 ATTEMPTED SEXUAL BATTERY-PERSON 12 YEARS OF AGE OR OLDER - GREAT FORCE OR DEADLY WEAPON (F-1)**

June 23, 2010 Diego Tambriz-Ramirez did unlawfully attempt to commit a sexual battery upon R.R., a person 12 years of age or older, without the victim's consent, and in the process thereof used or threatened to use a deadly weapon used actual physical force likely to cause serious personal injury, in violation of Florida Statute 794.011(3) & 777.04;

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Florida.

I do hereby state that I am instituting this prosecution in good faith.

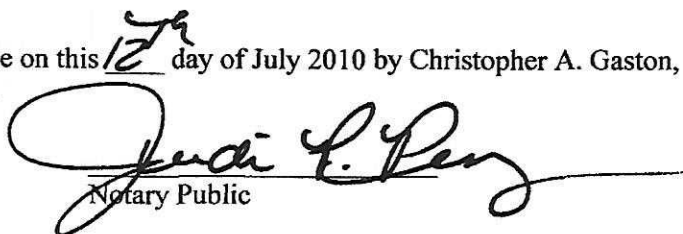
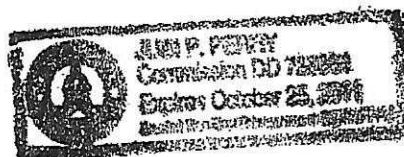


Christopher A. Gaston  
Assistant State Attorney for the  
Nineteenth Judicial Circuit of  
Florida, prosecuting for said State  
Fla. Bar No. 0027800

STATE OF FLORIDA  
County of Martin

Personally appeared before me Christopher A. Gaston, Assistant State Attorney for the Nineteenth Judicial Circuit of the State of Florida, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to by the material witnesses as true and which, if true, would constitute the offense(es) therein charged.

The foregoing instrument was acknowledged before me on this 12<sup>th</sup> day of July 2010 by Christopher A. Gaston, who is personally known to me and who did take an oath.

  
Notary Public

**CLERK TRANSMITTAL FORM**

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MANSHA EWING  
CLERK OF CIRCUIT COURT

BY \_\_\_\_\_ D.C.

Case #: 43-2010-CF-000831-A

Def. Name: Diego Tambriz-Ramirez

ASA: Christopher A. Gaston

Agency: 2010-00007223 Martin County Sheriffs Office

Ct.	Lvl-Deg Lvl-Deg	Statute Statute	SA Code	Arrested On -Filed On
1	(F-1)	810.2.0		BURGLARY OF A DWELLING WHILE ARMED
1	(F-1)	810.2.2a	1896	-BURGLARY OF A DWELLING WITH AN ASSAULT OR BATTERY WHILE ARMED AND MASKED
2	(F-2)	784.45.1a2		AGGRAVATED BATTERY-DEADLY WEAPON
2	(F-2)	784.21.1a	1471	-AGGRAVATED ASSAULT - DEADLY WEAPON WHILE MASKED
9999				
3	(F-1)	794.11.3	1621	Direct File-ATTEMPTED SEXUAL BATTERY- PERSON 12 YEARS OF AGE OR OLDER - GREAT FORCE OR DEADLY WEAPON